

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

CHICAGO REGIONAL COUNCIL OF)	
CARPENTERS PENSION FUND, et al.,)	
)	
Plaintiffs,)	
)	
v.)	No. 07 C 5885
)	
ILLINOIS GENERAL CONSTRUCTION,)	
INC., et al.,)	
)	
Defendants.)	

MEMORANDUM ORDER

All the defendants in this ERISA case have filed their joint Answer to the Complaint brought against them by several employee benefit funds. This memorandum order is issued sua sponte to require the correction of two problematic aspects of that responsive pleading.

To begin with, Answer ¶8 includes an impermissible departure from the formulation clearly set out in the second sentence of Fed. R. Civ. P. ("Rule") 8(b) as the basis for obtaining the benefit of a deemed denial of an allegation in a complaint. That error is then compounded by denying the allegations as to which defendants have disclaimed enough knowledge to admit or deny them--a classic oxymoron.¹ Hence the offending sentence is stricken, but with leave granted to file an appropriate

¹ What has been said here would apply with equal force even if defendants had properly adverted to "information" as well as to "knowledge," as well as to their absence of "belief"--in each instance as Rule 8(b) requires.

amendment--not a self-contained complete Answer--on or before December 3, 2007.

Somewhat relatedly, Answer ¶14 purports to deny allegations in Complaint ¶14 as to which defendants disclaim any understanding. Here too a proper invocation of Rule 8(b)'s second sentence is called for--that is, if defendants can make the disclaimer in the objective good faith demanded by Rule 11(b). Answer ¶14 is accordingly stricken, again with leave granted to file an appropriate amended response on the same time frame.

A handwritten signature in black ink, reading "Milton I. Shadur", is positioned above a horizontal line.

Milton I. Shadur
Senior United States District Judge

Date: November 21, 2007